

21 associated with the network and a third data processing device associated with the customer, wherein
22 the customized computer-executable application is transferred to the at least one of the second data
23 processing device and the third data processing device to cause the customized computer-executable
24 application to execute more efficiently.

REMARKS

Claims 1–30 are pending in the present application.

Claims 31–55 have been canceled.

Claims 1–9, 11–19 and 21–29 are rejected; claims 10, 20 and 30 have been objected to as being dependent upon rejected base claims, but are indicated to be allowable if rewritten in independent form including all limitations of the respective base claims and any intervening claims.

Claims 1, 5, 10–11, 15, 20–21, 25 and 30 were amended herein. Claims 1, 11 and 21 were amended for clarity. Claims 5, 15 and 25 were amended solely to correct errors therein. Claims 10, 20 and 30 were amended solely to place the claims in independent form, including all limitations of the respective base claims and any intervening claims.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 103 (Obviousness)

Claims 1–9, 11–19 and 21–29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,349,238 to *Gabitta et al* in view of U.S. Patent No. 5,920,846 to *Storch et al*. This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and

the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

Independent claims 1, 11 and 21 each relate to providing collaborative work flow for a plurality of customers and a plurality of vendors. Such a feature is not shown or suggested by the cited references. *Gabbita et al* and *Storch et al* both relate to a scheduling system for a single enterprise.

Independent claims 1, 11 and 21 each further recite that the messages, data files, software applications or documents relating to the work flow are stored in association with the work flow. Such a feature is not shown or suggested by the cited references. The portion of *Gabbita et al* cited as teaching receiving a customer and vendor messages and storing the messages actually teaches a Local Services Activity Tracker (LSAT), which operates as a scheduling utility, receiving messages from a Service Request Management System (SRMS) enhanced with Move, Add, Change and Disconnect (MACD) processing capabilities, which are employed by employee users of the company/enterprise (e.g, Local Service Account Executives, Local Service Consultants, Local Service Provisioning staff, Operations personnel, or members of a construction group):

In step 204, LSAT 102 receives a message from either SRMS/MACD 106 or ARMS 108, indicating that a Service Order has been created and approved for downstream processing. Once this message has been received, LSAT 102 obtains information about the Service Order.

Gabbita et al, column 8, line 67 through column 9, line 5. *Gabbita et al* teaches merely triggering retrieval of a service order by receipt of a message, and does not teach or suggest storing the messages in association with the service order.

Independent claims 1, 11 and 21 also each recite that the work flow is at least partially developed or executed by the receipt, storage and transfer of messages, data files, software applications or documents. In the present invention, remote collaboration is possible in part because the work flow may be developed by both the customer (designating a role) and the vendor (filling that role) and/or executed by the transfers between the customer and vendor (e.g., of data to be placed into a spreadsheet, compressor data to be analyzed, etc.). Such a feature is not shown or suggested by the cited references. Neither *Gabbita et al* nor *Storch et al* teach or suggest at least partially developing or executing a work flow by the receipt, storage and transfer of messages, data files, software applications or documents.

Independent claims 1, 11 and 21 still further recite an accounting controller identifying fee associated with the work flow and stores such fees in the work flow record. Such a feature is not shown or suggested by the cited references. As conceded in the Office Action, *Gabbita et al* does not teach or suggest addressing fee information. The portion of *Storch et al* cited as teaching this feature actually only teaches that Universal Service Order Codes (USOCs), Field Identifiers (FIDs) and action codes have associated billing codes used for billing purposes in a Customer Record Information System (CRIS) or Customer Access Billing System (CABS):

As will be appreciated by those skilled in the art, certain USOCs and FIDs input by the order taker person 61 are used by other computer systems in processing the service order. For example, a USOC such as CQ4 can be input by the order taker person 61 when conditioning is needed for an ND circuit to provide 4 dB loop loss. When the service order passes to the Assigning SOAC (discussed below), the CQ4 USOC triggers tables in the Assigning SOAC to recognize and translate this USOC as a line class code, indicating the line class needs conditioning or outside facilities assigned by LFACS or SWITCH.RTM. The USOCs, FIDs and action codes are also

associated with billing codes used by the billing system such as CRIS (discussed below) to determine billing rates for the service provided.

Storch et al, column 19, lines 27–41. *Storch et al* merely teaches the existence of billing codes, and does not teach or suggest a controller determining billing information for a particular service order or storing the billing information in the service order.

Claims 2, 12 and 22 each recite that the work flow record comprises a plurality of definitions each defining at least one process step to be performed by the main controller, the accounting controller, a customer device, or a vendor device. Such a feature is not shown or suggested by the cited references. The LSAT in *Gabbita et al* cited as teaching this feature merely teaches a scheduling utility for scheduling work flow steps and allocating resources thereto, and does not actually perform any process steps for the work flow:

The web based interface module 130 is coupled with a company-wide Intranet 118, which is coupled with a plurality of remote workstations 120. The web based interface module is used to implement user in-boxes, where users can view 20 services orders and their associated workflow steps. As described below, the web based interface module further provides query capability to provided customized views, reports and tracking information pertaining to current and past Service Orders. The LSAT engine module 121 supports the management of the Workflow, via the selection and scheduling and resource allocation modules, 122 and 128, respectively. In addition, the LSAT engine 121 comprises a communications module 124 to support communication between LSAT 102 and the various computer systems 106-114. The LSAT engine 124 is preferably implemented using C++, and runs on Windows NT operating system.

Gabbita et al, column 5, lines 33–48. The LSAT of *Gabbita et al* merely allows users to view a scheduled task, query, track or generate reports on scheduled tasks, and provide notifications. The LSAT does not perform any process steps for the tasks.

Claims 3–4, 13–14 and 23–24 each recite that the work flow definitions may be modified by the customer or the vendor. As noted above, the work flow definitions define portions of the work flow to be performed by one of the main controller, the accounting controller, a customer device or a vendor device. Modifying these definitions alters either the nature of the process to be performed or the device on which the process is to be performed. Such a feature is not shown or suggested by the cited references.

Claims 5, 15 and 25 each recite that the work flow record comprises primary and secondary work flow records for different service requests. Such a feature is not shown or suggested by the cited references. Neither reference teaches or suggests separately tracking different aspects of an overall work flow within the aggregate work flow record.

Claims 6, 16 and 26 each recite that the second service request is generated by the vendor responding to the customer's service request (e.g., sub-contracting out a portion of the overall task). Such a feature is not shown or suggested by the cited references.

Claims 7, 17 and 27 each recite that the accounting controller identifies and records the fees associated with the second request (sub-contract). Such a feature is not shown or suggested by either cited reference.

Claims 8, 18 and 28 each recite that the fee information relating to the first and second service requests are allocated to the primary and secondary work flow records, respectively. Such a feature is not shown or suggested by either cited reference.

Claims 9, 19 and 29 each recite that the service requested is programming a customized

software application according to customer specifications. Such a feature is not shown or suggested by either cited reference.

Therefore, the rejection of claims 1-9, 11-19 and 21-29 under 35 U.S.C. § 103 has been overcome.

AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE

The paragraph at page 71, line 6 through page 72, line 4 of the specification (the "ABSTRACT OF THE DISCLOSURE") was amended herein as follows:

[There is disclosed, for use in connection with a] A network [that provides communications] between customers generating service requests and vendors capable of electronically fulfilling the service requests[,] includes a system for monitoring, controlling, and administering [role-based] work flows associated with the service requests. [Work flows may be controlled and performed through role-based collaboration, allowing anonymity of vendors and customers and providing a template by which a generic work flow can be reapplied. The system comprises: a] A main controller [for creating a first work flow record used to] creates and controls a first work flow record associated with a first service request [and] for [storing the first work flow record] storage in a storage device[associated with the main controller]. The main controller also receives work flow elements including messages, data files, software applications, and documents from a first customer and a first vendor associated with the first work flow, stores the [messages, data files, software applications, and documents] work flow elements in the storage device, and transfers the [messages, data files, software applications, and documents] work flow elements to the first customer and the first vendor. [The system also comprises

an]An accounting controller associated with the main controller [that] identifies fees associated with the first work flow and stores fee data associated with the fees in the first work flow record.

Claims 1, 5, 10–11, 15, 20–21, 25 and 30 were amended herein as follows:

1 1. (amended) For use in connection with a network capable of providing communications
2 between a plurality of customers generating service requests and a plurality of vendors capable of
3 fulfilling said service requests, a system for monitoring and controlling work flows associated with
4 said service requests between said plurality of customers and said plurality of vendors comprising:
5 a main controller capable of creating a first work flow record used to control a first
6 work flow associated with a first service request and storing said first work flow record in a storage
7 device associated with said main controller, wherein said main controller is further capable of
8 receiving from a first customer within said plurality of customers and a first vendor within said
9 plurality of vendors, said first customer and said first vendor associated with said first work flow,
10 at least one of messages, data files, software applications, and documents, storing said at least one
11 of messages, data files, software applications, and documents in said storage device in association
12 with said work record, and transferring at least one of said at least one of messages, data files,
13 software applications, and documents to at least one of said first customer and said first vendor,
14 wherein said first work flow is at least partially developed or executed by said receiving, storing and

15 transferring said at least one of messages, data files, software and documents; and
16 an accounting controller associated with said main controller capable of identifying
17 at least one fee associated with said first work flow and storing fee data associated with said at least
18 one fee in said first work flow record.

1 5. (amended) The system as set forth in Claim 1 wherein said first work flow record
2 comprises a primary work flow record associated with said first service request and a secondary
3 work flow record associated with a second [work flow]service request associated with said first work
4 flow.

1 10. [The system as set forth in Claim 9]For use in connection with a network capable of
2 providing communications between a plurality of customers generating service requests and a
3 plurality of vendors capable of fulfilling said service requests, a system for monitoring and
4 controlling work flows associated with said service requests between said plurality of customers and
5 said plurality of vendors comprising:

6 a main controller capable of creating a first work flow record used to control a first
7 work flow associated with a first service request and storing said first work flow record in a storage
8 device associated with said main controller, wherein said main controller is further capable of
9 receiving from a first customer and a first vendor associated with said first work flow, at least one
10 of messages, data files, software applications, and documents, storing said at least one of messages,

11 data files, software applications, and documents in said storage device, and transferring at least one
12 of said at least one of messages, data files, software applications, and documents to at least one of
13 said first customer and said first vendor; and

14 an accounting controller associated with said main controller capable of identifying
15 at least one fee associated with said first work flow and storing fee data associated with said at least
16 one fee in said first work flow record,

17 wherein a first service associated with said first service request is performed by a customized
18 computer-executable application generated by said first vendor, wherein said customized computer-
19 executable application performs specific operations designed by said first vendor to meet unique
20 requirements of said first customer, and

21 wherein said main controller is capable of transferring said customized computer-executable
22 application from a first data processing device associated with said first vendor to at least one of a
23 second data processing device associated with said main controller and a third data processing device
24 associated with said customer, wherein said main controller transfers said customized computer-
25 executable application to said at least one of said second data processing device and said third data
26 processing device to cause said customized computer-executable application to execute more
27 efficiently.

1 11. (amended) A network comprising;

2 a plurality of customer data processing devices capable of generating service requests

3 created by a plurality of customers;

4 a plurality of vendor data processing devices associated with a plurality of vendors
5 capable of fulfilling said service requests; and

6 a system for monitoring and controlling work flows associated with said service
7 requests between said plurality of customers and said plurality of vendors comprising:

8 a main controller capable of creating a first work flow record used to control
9 a first work flow associated with a first service request and storing said first work flow
10 record in a storage device associated with said main controller, wherein said main controller
11 is further capable of receiving from a first customer within said plurality of customers and
12 a first vendor within said plurality of vendors, said first customer and said first vendor
13 associated with said first work flow, at least one of messages, data files, software
14 applications, and documents, storing said at least one of messages, data files, software
15 applications, and documents in said storage device in association with said work record, and
16 transferring at least one of said at least one of messages, data files, software applications, and
17 documents to at least one of said first customer and said first vendor, wherein said first work
18 flow is at least partially developed or executed by said receiving, storing and transferring said
19 at least one of messages, data files, software and documents; and

20 an accounting controller associated with said main controller capable of
21 identifying at least one fee associated with said first work flow and storing fee data
22 associated with said at least one fee in said first work flow record.

1 15. (amended) The network as set forth in Claim 11 wherein said first work flow record
2 comprises a primary work flow record associated with said first service request and a secondary
3 work flow record associated with a second [work flow]service request associated with said first work
4 flow.

1 20. [The network as set forth in Claim 19]A network comprising:
2 a plurality of customer data processing devices capable generating service requests
3 created by a plurality of customers;
4 a plurality of vendor data processing devices associated with a plurality of vendors
5 capable of fulfilling said service requests; and
6 a system for monitoring and controlling work flows associated with said service
7 requests between said plurality of customers and said plurality of vendors comprising:
8 a main controller capable of creating a first work flow record used to control
9 a first work flow associated with a first service request and storing said first work flow
10 record in a storage device associated with said main controller, wherein said main controller
11 is further capable of receiving from a first customer and a first vendor associated with said
12 first work flow, at least one of messages, data files, software applications, and documents,
13 storing said at least one of messages, data files, software applications, and documents in said
14 storage device, and transferring at least one of said at least one of messages, data files,

15 software applications, and documents to at least one of said first customer and said first
16 vendor; and

17 an accounting controller associated with said main controller capable of
18 identifying at least one fee associated with said first work flow and storing fee data
19 associated with said at least one fee in said first work flow record,

20 wherein a first service associated with said first service request is performed by a customized
21 computer-executable application generated by said first vendor, wherein said customized computer-
22 executable application performs specific operations designed by said first vendor to meet unique
23 requirements of said first customer, and

24 wherein said main controller is capable of transferring said customized computer-executable
25 application from a first data processing device associated with said first vendor to at least one of a
26 second data processing device associated with said main controller and a third data processing device
27 associated with said customer, wherein said main controller transfers said customized computer-
28 executable application to said at least one of said second data processing device and said third data
29 processing device to cause said customized computer-executable application to execute more
30 efficiently.

1 21. (amended) For use in a network capable of providing communications between a
2 plurality of customers generating service requests and a plurality of vendors capable of fulfilling the
3 service requests, a method of monitoring and controlling work flows associated with the service

4 requests between the plurality of customers and the plurality of vendors comprising the steps of:
5 creating a first work flow record used to control a first work flow associated with a
6 first service request;
7 storing the first work flow record in a storage device;
8 receiving from a first customer within said plurality of customers and a first vendor
9 within said plurality of vendors, said first customer and said first vendor associated with said first
10 work flow, at least one of messages, data files, software applications, and documents;
11 storing the at least one of messages, data files, software applications, and documents
12 in the storage device in association with said work record, and transferring at least one of the at least
13 one of messages, data files, software applications, and documents to at least one of the first customer
14 and the first vendor, wherein said first work flow is at least partially developed or executed by said
15 receiving, storing and transferring said at least one of messages, data files, software and documents;
16 and
17 identifying at least one fee associated with the first work flow and storing fee data
18 associated with the at least one fee in the first work flow record.

1 25. (amended) The method as set forth in Claim 21 wherein the first work flow record
2 comprises a primary work flow record associated with the first service request and a secondary work
3 flow record associated with a second [work flow] service request associated with the first work flow.

1 30. [The method as set forth in Claim 29 including the further step of]For use in a
2 network capable of providing communications between a plurality of customers generating service
3 requests and a plurality of vendors capable of fulfilling the service requests, a method of monitoring
4 and controlling work flows associated with the service requests between the plurality of customers
5 and the plurality of vendors comprising the steps of:

6 creating a first work flow record used to control a first work flow associated with a
7 first service request;

8 storing the first work flow record in a storage device;

9 receiving from a first customer and a first vendor associated with the first work flow
10 at least one of messages, data files, software applications, and documents;

11 storing the at least one of messages, data files, software applications, and documents
12 in the storage device, and transferring at least one of the at least one of messages, data files, software
13 applications, and documents to at least one of the first customer and the first vendor;

14 identifying at least one fee associated with the first work flow and storing fee data
15 associated with the at least one fee in the first work flow record;

16 performing a first service associated with the first service request by a customized
17 computer-executable application generated by the first vendor, wherein the customized computer-
18 executable application performs specific operations designed by the first vendor to meet unique
19 requirements of the first customer; and

20 transferring the customized computer-executable application from a first data

21 processing device associated with the first vendor to at least one of a second data processing device
22 associated with the network and a third data processing device associated with the customer, wherein
23 the customized computer-executable application is transferred to the at least one of the second data
24 processing device and the third data processing device to cause the customized computer-executable
25 application to execute more efficiently.

SUMMARY


If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: Nov. 27, 2002



William A. Munck
Registration No. 39,308

P.O. Box 800889
Dallas, Texas 75380
(214) 922-9221 (main number)
(214) 969-7557 (fax)
E-mail: *wmunck@davismunck.com*